

DECLARATION FOR PATENT APPLICATION

APR 02 2001

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled NOVEL METHODS OF DIAGNOSING BREAST CANCER, COMPOSITIONS, AND METHODS OF SCREENING FOR BREAST CANCER MODULATORS, the specification of which

☐ is attached hereto

(Check one)

☒ was filed on 21 December, 2000 as
Application Serial No. 09/747,371
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
PCT/US00/06952 (Number)	PCT (Country)	15 March 2000 (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/525,361 (Application Serial No.)	15 March 2000 (Filing Date)	Pending (Status)
		(patented, pending, abandoned)
09/453,137 (Application Serial No.)	2 December 1999 (Filing Date)	Pending (Status)
		(patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)
		(patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status)
		(patented, pending, abandoned)

Direct all telephone calls to David J. Brezner, Esq. at (415) 781-1989.

Address all correspondence to:

David J. Brezner, Esq.
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187

File No. A-69028/DJB/JJD

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first inventor:

Kurt C. GISH

Inventor's signature:

Date:

Residence:

Citizenship:

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United States of America

40 Perego Terrace, No. 2, San Francisco, California 94131

Full name of second or
joint inventor:

David MACK

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

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United States of America

2076 Monterey Avenue - Menlo Park, California 94025

Full name of third or
joint inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:



POWER OF ATTORNEY BY ASSIGNEE
(Not Accompanying Application)

The undersigned assignee of the entire interest in application for letters patent entitled: NOVEL METHODS OF DIAGNOSING BREAST CANCER, COMPOSITIONS, AND METHODS OF SCREENING FOR BREAST CANCER MODULATORS and having the named inventors Kurt C. GISH and David MACK, Serial No. 09/747,371, filed on or about the 21st day of December, 2000, hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Michael A. Kaufman, Reg. No. 32,988; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Maria S. Swiatek, Reg. No. 37,244; James J. Diehl, Reg. No. P-47,527; and Renée M. Kossak, Reg. No. P-47,717; provided that if any one of said attorneys ceases being affiliated with the law firm of FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to David J. Brezner, Esq. at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
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Assignee: EOS BIOTECHNOLOGY, INC.
David W. Martin, Jr., M.D.

By: _____

Signature: (typed name)
David W. Martin Jr.

Title: Pres. & CEO

Address: 225-A Gateway Boulevard

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Date: March 5, 2001

File No. A-69028/DJB/JJD